

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH McCULLOUGH, )  
Plaintiff )  
 )  
vs. ) Civil Action No. 06-514  
 ) Judge Gary L. Lancaster/  
ERIC M. MILLER, Pa. Cor. Off.; T. ) Magistrate Judge Amy Reynolds Hay  
STANLEY, Pa. C.O.; LYNN )  
DAVENPORT, Pa. C.O.; N. NEAL, Pa. )  
Cor. Off.; F. DALEY, Pa. Cor. Off. )  
Witness; R. CULP, Pa. Cor. Off. Capt.; )  
SIMPSON, Pa. Cor. Off. Capt.; ELEANORE )  
WEAVER, Pa Misconduct Hearing )  
Examiner/Judge; DAVID McCRAY, Pa. )  
Cor. Off.; KATY WIMBUSH, Pa. Cor. Off.; )  
CHARLES M. SHANE, Pa. Cor. Off.; )  
MARLENE STEWARD, Pa. Cor. Off.; )  
DAVID GOOD, Pa. Cor. Off.; PAUL )  
STOWITZKY, Cor. Off.; CHRISTINA )  
SORBIN, Cor. Off.; LEE JOHNSON, )  
Cor. Off. (African American); HOLMES, )  
Cor. Off. Lt.; JOHNSON, Cor. Off. )  
(Caucasian); ROBERT S. BITNER, Pa. )  
Cor. Off. (Harrisburg); McCONNELL, )  
Pa. Cor. Off. Capt.; Any and all other )  
Respondets later added. )  
Defendants )

**ORDER**

AND NOW, this 21<sup>ST</sup> day of March, 2007, after the Plaintiff,

Kenneth McCullough, filed an action in the above-captioned case, and after Plaintiff filed a Motion a Motion for Temporary Restraining Order and/or Preliminary Injunction and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections

having been filed, and upon independent review of the record and the motion, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's motion for a temporary restraining order and/or preliminary injunction [43] is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "G L Lancaster", is written over a horizontal line.

GARY L. LANCASTER  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Kenneth McCullough  
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